IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 11284 of 2004(R)

PETITIONER:

SUNIL KUMAR.S., AGED 53 YEARS, S/O. SIVARAMAN, T.C.NO.25/2374, M/S.HINDUSTAN OPTICALS OPPOSITE AYURVEDA COLLEGE, THIRUVANANTHAPURAM.

BY ADV. SRI.AMEER.K.M.

RESPONDENTS:

---

1. K.S.NARAYANAN, T.C.NO.26/1901, G.P.O.LANE, THIRUVANANTHAPURAM.

2. K.R.SABU, T.C.NO.26/1901, G.P.O.LANE, THIRUVANANTHAPURAM.

BY ADV. SRI.R.S.KALKURA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC : 11284 OF 2004

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF THE LEASE AGREEMENT BETWEEN PETITIONER AND COPINATHAN NAIR DT.02.12.1997.

EXT.P2 : TRUE COPY OF THE PLAINT IN OS NO.551 OF 2004 BEFORE THE MUNSIFF COURT, THRIUVANANTHAPURAM.

EXT.P3 : TRUE COPY OF THE IA NO.3475 OF 2004 IN OS NO.551 OF 2004 BEFORE THE MUNSIFF COURT, THIRUVANANTHAPURAM.

EXT.P4 : TRUE COPY OF THE OBSTRUCTION PETITION FILED BY THE PETITIONER IN RCP NO.7 OF 2000.

RESPONDENT'S EXHIBITS:

EXT.R1(A) : TRUE COPY OF THE JUDGMENT IN RCP NO.7 OF 2000 DT.17.7.2000.

EXT.R1(B) : TRUE COPY OF THE JUDGMENT IN WP(C) NO.34796 OF 2003 DT.8.1.04.

EXT.R1(C) : TRUE COPY OF THE JUDGMENT IN RCA nO.46 OF 2003 DT.28.1.04.

EXT.R1(D) : TRUE COPY OF THE JUDGMENT DT.11.2.04 IN RENT CONTROL REVISION NO.52 OF 2004.

EXT.R1(E) : TRUE COPY OF THE PLAINT IN OS NO.551 OF 2004.

EXT.R1(F) : TRUE COPY OF THE ORDER REJECTING THE EA 447 OF 2004 FILED BY THE PETITIONER HEREIN DT.30.3.04.

EXT.R1(G) : TRUE COPY OF THE ORDER OF DELIVERY AND KAICHIT IN RCP NO.7 OF 2000.

EXT.R1(H) : TRUE COPY OF THE COUNTER FILED BY THE PETITIONER IN OS NO.551 OF 2004 BEFORE THE LOWER COURT.

PIUS C. KURIAKOSE, J.

W.P.(C) No. 11284 OF 2004

Dated this the 15th day of June, 2007

JUDGMENT

This Writ Petition is filed by a person who claims to be in possession of a shop room in respect of which the Rent Control Court passed an order of eviction, seeking an order of stay in respect of eviction proceedings. Even at the time of admission this court was not inclined to grant stay. The respondents entered appearance and filed a detailed counter affidavit producing documents which will show that they are attempting to take possession of the shop room only on the strength of eviction orders duly passed by the authorities of the Rent Control Act. The parties were heard after the filing of the counter affidavit and again this court was not inclined to grant stay. This writ petition has obviously become infructuous. No representation for any of the parties. This Writ Petition will stand dismissed.

PIUS C. KURIAKOSE, JUDGE

btt